

Noted in PD
602884-1508
1/29/40

COMPTROLLER GENERAL OF THE UNITED STATES
RECEIVED
DEPARTMENT OF STATE WASHINGTON

ION OF
B-8084
INTERNATIONAL COMMUNICATIONS
JAN 2 1940
T. T. T. T.
DEPARTMENT OF STATE

SECRETARY OF STATE
JAN 31 1940
NOTED
JAN 30 1940
DEPARTMENT OF STATE

1940 JAN 23 PM 12 57
JAN 22 1940
JAN 30 1940
The Honorable
The Secretary of State
DEPARTMENT OF STATE

Sir:

I have your letter of January 16, 1940, as follows:

"The Department has received a request from the American Consul at Valparaiso, Chile, for instructions with regard to a request for the relief and transportation to the United States as an American seaman made by Dr. Hermann F. Erben, a naturalized American citizen, who has in the past served as ship's surgeon on American vessels, and who recently arrived in Valparaiso from Buenos Aires after being discharged at that port from the German S.S. Ussukuma.

"It appears that Dr. Erben served as ship's surgeon on American vessels at various times from 1930 to February 1937; that he was engaged in medical work in Spain and China from March 1937 to March 1938; that he returned to the United States in May 1938 possibly as ship's surgeon on a Norwegian vessel; and that he visited and traveled in Europe from October 1938 to July 1939, at which time he signed on on the German S.S. Ussukuma as ship's surgeon.

"In view of the fact that Dr. Erben has not served on an American vessel since 1937, and in the absence of information showing that when he last left the United States he did so in the capacity of seaman or ship's surgeon, your opinion is requested as to whether Dr. Erben may be considered as an American seaman and as such entitled to relief and transportation.

"In view of the fact that the American Consul at Valparaiso has requested telegraphic instructions an early reply will be appreciated."

Section 4612, Revised Statutes (46 U. S. C. 713), provides:

"In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the 'master' thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a 'seaman'; and the term 'vessel' shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term 'owner' shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong."

150- ERBEN, HERMANN FREDERICK

B-8084

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The term "seaman," as defined in the above-quoted statute, would unquestionably embrace one serving as a ship's surgeon on a "vessel," as the latter term is used in the statute, and such a person would be entitled to relief and transportation if otherwise coming within the purview of section 4577, Revised Statutes (46 U. S. C. 678), which statute provides as follows:

"It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities."

The provisions of section 4577, Revised Statutes, supra, and other statutes for relief of American seamen, were intended to promote service in the United States merchant marine by providing relief for American seamen who might become destitute as the result of their calling and by returning the said seamen to the United States in order that they might again engage in the service of the United States merchant marine. The law contemplates, however, that the relief authorized thereunder should be provided only to those who at the time of application for relief are by habit and intent bona fide members of the American merchant marine. In 1 Comp. Gen. 760, it was held (quoting from the syllabus):

"American seamen who, after discharge as such in a foreign country accept employment on land and do not return to the sea nor apply to the consul for relief for more than one year after their discharge as seamen, must be presumed to have abandoned their former vocation and are not entitled to relief as destitute American seamen under section 4577, Revised Statutes."

B-5084

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In 2 Comp. Gen. 317, it was held:

"The question of when or how long after discharge an American seaman may be entitled to relief is not one dependent upon time alone but one of fact, to be determined primarily by the consular officer to whom the application for relief is made from all facts bearing on the question of whether the particular seaman continues to hold himself out for service as a seaman or has abandoned the occupation of seaman."

As Dr. Erben has not served as a ship's surgeon or otherwise as a seaman on an American vessel since February 1937, it would not appear that he could qualify at this time as a bona fide member of the American merchant marine within the meaning and intent of the applicable statutes. 1 Comp. Gen. 760; 6 id. 348. It must be held, therefore, that he is not entitled to relief or transportation as a destitute American seaman at the expense of the United States.

Respectfully,

R. W. E. [Signature]
Acting Comptroller General
of the United States.

0315387030

F820004-1511

January 16 1940

In reply refer to
IN 130- Erben, Hermann Frederick

The Comptroller General
of the United States.

Sir:

The Department has received a request from the American Consul at Valparaiso, Chile, for instructions with regard to a request for the relief and transportation to the United States as an American seaman made by Dr. Hermann F. Erben, a naturalized American citizen, who has in the past served as ship's surgeon on American vessels, and who recently arrived in Valparaiso from Buenos Aires after being discharged at that port from the German S.S. Ussukuma.

It appears that Dr. Erben served as ship's surgeon on American vessels at various times from 1930 to February 1937; that he was engaged in medical work in Spain and China from March 1937 to March 1938; that he returned to the United States in May 1938 possibly as ship's surgeon on a Norwegian vessel; and that he visited and traveled in Europe from October 1938 to July 1939, at which time he signed on on the German S.S. Ussukuma as ship's surgeon.

In

01 JAN 1940

130- ERBEN, HERMANN FREDERICK

-2-

In view of the fact that Dr. Erben has not served on an American vessel since 1937, and in the absence of information showing that when he last left the United States he did so in the capacity of seaman or ship's surgeon, your opinion is requested as to whether Dr. Erben may be considered as an American seaman and as such entitled to relief and transportation.

In view of the fact that the American Consul at Valparaiso has requested telegraphic instructions an early reply will be appreciated.

Very truly yours,

Gordell Hull

241 CR

JAN 15 1940

IN:LJF:RN 1/11/40

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JSE

F820 004-1513

DEPARTMENT OF STATE

PASSPORT DIVISION



January 8, 1940.

IN

The attached cablegram from Valparaiso regarding the repatriation of Dr. Hermann F. Erben is forwarded for the attention of your Division. As you will note from the attached passport file Dr. Erben has been the subject of much correspondence and his activities have been quite troublesome to the Department and the Consular Service.

If authorization is given for the repatriation of Dr. Erben as a seaman, kindly request the Consular Officer to advise the Department of the name of the vessel on which he will arrive in the United States and the scheduled date of such arrival in order that the Department may make arrangements to take up his passport.

RUTH SHIPLEY

PD:JCE:EMR

0315081000

130- ERBEN, HERMANN FREDERICK

MM

F820004-1514

I solemnly swear that the statements made on pages 1 and 2 are true, and that the photograph attaches. *Excerpts of me.*

OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion. So help me God.

(REAL)
 Fee for passport, \$9.00.
 Fee for administering oath and preparing passport application, \$1.00.
 No fee for registration.

Service No. 6784sworn to before me this first day of December, 1939.

William Barnes
 William Barnes
 Vice Consul of the United States at Buenos Aires, Argentina.

DESCRIPTION OF APPLICANT

Height: 6 feet 0 inches.Hair: blond Eyes: blueDistinguishing marks or features: Scars, right thumb and left cheek.Place of birth: Vienna, Austria (now Germany)Date of birth: November 15, 1897Occupation: Ship surgeon

EVIDENCE OF CITIZENSHIP AND IDENTIFYING DOCUMENTS

Passport No. 248504 Issued on December 7, 1935by Secretary of State

{ to applicant, } SUBMITTED.

{ WX (State name and relationship) }State disposition of passport: Canceled and returned.

Other evidence of citizenship and identifying documents submitted, as specified below: (Indicate whether sent to the Department, retained

in files of office, or returned to applicant.)

The following should be filled in if this application is for a PASSPORT:

Countries to be visited: Return to the United States Purpose of visit: To take up residence.Port of departure: Buenos Aires Date of departure: uncertainName of ship: uncertain Is the ship of an American line? Yes

REFERENCES (Name) (Address) ("Yes" or "No")

(See Consular Regulations, Sec. 156, Note 1)

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit hereinbefore set forth to be the person he represents himself to be, and that he is a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant personally for _____ years.

(Signature of witness)

(Residence address of witness)

DESCRIBED AND SWORN to before me this _____ day of _____, 19____.

If no American citizen is available, an alien known to the consular officer may execute the affidavit.

Consul of the United States of America at _____

The applicant requests that the following person be notified in the event of his death or disability:

(Name) (Address)

Additional data: Location of real and personal property, nature and place of investments, location of will, et cetera. (It is entirely optional with the applicant to give this information.)

Registration (approved) by the Department of State on _____

Certificate of registration issued to the applicant on _____

(Date)

(Initials of consular officer)

The Department will assume that the consular officer forwarding the application to the Department for authorization for issue of passport is fully satisfied as to the applicant's identity, unless a notation to the contrary appears hereunder. (See Consular Regulations, Sec. 156, Note 1.)

REMARKS

Passport will be forwarded to office taking application unless notation to the contrary is made hereunder.

F820004-1515

Form No. 176-b
Revised Jan. 1938

REGISTRATION APPROVED

Date _____
Expires _____
Consul _____
Place _____

Application for Passport

Application for Registration
(Indicate plainly which is desired)
[FORM FOR PERSONS CLAIMING
CITIZENSHIP THROUGH
NATURALIZATION]PASSPORT ISSUED
Date Dec. 1, 1939
No. 272
Expires March 1, 1940
Consul General
Place Buenos Aires

I, Hermann Frederick Erban, (Name in full)
 I was born at Vienna, Austria, on November 15, 1897;
 (City or town) (Country) (Date)
 that I am now residing at Hotel Vienna, Buenos Aires, Argentina, have maintained a
 (Give present address in full)
 that I emigrated to the United States, on or about February 10, 1924, and that I have been a resident in the
 (Date)
 United States from 1924 to 1939, at San Francisco, California,
 (City) (State)

(If naturalized in own right fill in this portion)

I was naturalized as a citizen of the United States before the United States District Court
 of San Francisco, Cal. at San Francisco, Cal. on November 10, 1930
 (District, State, county) (City and State) (Month) (Day) (Year)

*Since my naturalization I have resided outside the United States as follows:

(State name of, and period of residence in, each foreign country)

See Form No. 213, from _____ to _____

from _____ to _____

from _____ to _____

(Names of countries)

I last left the United States on May, 1939, and intend to return thereto within one (month) (year)My legal residence is at San Francisco, CaliforniaMy father, Hermann Erban, was born at Znaim, Moravia, Austria
 (Name in full) (City or town) (State or country)on Nov. 22, 1871, and is now xxxxxx deceased.My mother, Jannia Reicher, was born at Praque, Austria
 (Maiden name) (City or town) (State or country)on June 10, 1874, and is now residing at Vienna, Germany*I was (never married; last married on DIVORCED to _____who was born at _____ on _____; who (is not) an American citizen,
 and who is now residing at _____

(If claiming citizenship through parent's or husband's naturalization, fill in this portion)

My (father) (husband) who was naturalized as a citizen of the United States before the _____ Court of _____
 at _____ on _____, 1 _____, resided continuously in the United
 (City and State) (Month and day) (Year)
 States, from 1 _____ to 1 _____, at _____
 (Place(s) of residence in the U. S.)

My mother who was naturalized as a citizen of the United States before the _____ Court of _____
 at _____ on _____, 1 _____, resided continuously in the United
 (City and State) (Month and day) (Year)
 States, from 1 _____ to 1 _____, at _____
 (Place(s) of residence in the U. S.)

I request the inclusion of my wife _____

(Repeat name in full)

She acquired citizenship through _____

I request the inclusion of my minor children as follows: (If born prior to parent's naturalization, state periods of residence in the U. S.)

_____, born at _____, on _____, residing at _____
 (Name in full) (Place and State or country) (Date)

_____, born at _____, on _____, residing at _____

_____, born at _____, on _____, residing at _____

I have not taken an oath of allegiance to or been naturalized as a citizen or subject of, any foreign state.

*A woman applicant who has been married more than once should give name and place of birth of each husband, date of each marriage, and date of termination of previous marriage(s) through death or divorce. This and any other information necessary to clarify the citizenship status of the applicant should be set forth in a separate affidavit which will be considered a part of this application.

F820004-1516

Form No. 218-Consular
(Corrected July, 1925)

AFFIDAVIT BY NATURALIZED AMERICAN TO OVERCOME PRESUMPTION OF NONCITIZENSHIP

I, Hermann F. Erben, ~~XXXX~~ {naturalized} American citizen, do solemnly swear that I ceased to reside in the United States on or about May, 1939; that I have since resided at Belgium, Germany and Argentina, and that I arrived in Buenos Aires, Argentina where I am now ~~XXXXXX~~ {temporarily} residing, on November 15, 1939, my reasons for such foreign residence being as follows: Since my naturalization in November, 1930, I have resided outside the United States for the following periods for the reasons mentioned:

Dec. 1930 to April 1931 - Ship's surgeon on McCormick Line steamer "West Notus"
Sept. 1931 to Jan. 1933 - Ditto on Dollar liner "President Garfield"
Feb. 1933 to Oct. 1933 - Traveling in Far East doing research work in tropical diseases.
Dec. 1933 to April 1935 - Postgraduate study in medicine at Vienna, Austria
April 1935 to Sept. 1935 - Traveling to India as surgeon with Austro-American Trans-Asiatic expedition (returned to United States in Nov. 1935)
Sept. 1935 to Feb. 1937 - Ship's surgeon McCormick Line vessel "West Mahwah"
March 1937 to Nov. 1937 - War surgery work with British Red Cross in Spain
Dec. 1937 to March 1938 - War surgery work with Chinese Red Cross in China (returned to U. S. in May, 1938)
Oct. 1938 to April 1939 - Visiting sons in Germany and attempting to get them out of that country (returned to United States in May, 1939)
May, 1939 to July, 1939 - Visiting fiancée in Belgium. Travel in Germany.
July 1939 to Nov. 1939 - Ship's surgeon on German vessel "Ussukuma" traveling to S. Africa and upon outbreak of war to Bahia Blanca, Argen. of statement attached)

Since establishing a residence abroad I have made the following visits to the United States: (see continuation of statement attached)

From , 19 , to , 19 From , 19 , to , 19

From , 19 , to , 19 From , 19 , to , 19

I have ~~XXXX~~ {not since my naturalization as an American citizen} been naturalized, taken an oath of allegiance, or voted as a foreign citizen or subject, or in any way held myself out as such.

I maintain the following ties of family, business, and property with the United States:

I maintain my legal residence in San Francisco, California, and am licensed to practice medicine in Washington, California, Louisiana, and New York.

I intend to return to the United States permanently to reside within {months} or when: as soon as I can get a position on an American ship

Hermann F. Erben
(Signature of applicant)

AMERICAN CONSULAR SERVICE AT Buenos Aires, Argentina

Sworn to before me this first day of December, 1939.
(Date)

(SEAL)
(No fee prescribed)

Service 12.5889

William Barnes
WILLIAM BARNES

Vice Consul of the United States of America.

(SEE INSTRUCTIONS PRINTED ON REVERSE SIDE)

* This statement should be as clear and definite as possible.

Continuation of Statement

I signed on this vessel in Hamburg in the hope that by so doing I could get a permit from the German authorities for my two sons, aged 20 and 18, residing in Berlin, Germany, to visit me in Antwerp when the ship touched there after which I hoped to leave the vessel and take them to England. When I was unable to obtain the permit I continued with the ship being unwilling to desert for fear of what might happen to my sons if I did. I have now left the "Ussukuma", am signed off the articles, and have no intention of returning to it. As proof, I submit the attached certificate from the German Embassy in Buenos Aires stating that it has no objection to me signing on some other vessel.

One of the reasons for my leaving the "Ussukuma" was the fact that the American Consulate General in Buenos Aires called to my attention the restrictions of the present American neutrality law on travel by American citizens on belligerent vessels. I have endeavored to obtain a position on an American vessel sailing from Buenos Aires but without success and so I am applying for a passport to use in traveling to Chile where I have reason to believe that I can obtain a position on a vessel of the Grace Line.

(Applicant's independent statement in English)

0315587030

Deutsche Botschaft

Bescheinigung

Gegen die Anmusterung des Arztes Dr. Hermann
E r b e n , geb. am 15.11.1897 in Wien, auf einem
ausländischen Schiffe werden von hier keine Einwendungen
erhoben.

Buenos Aires, den 1. Dezember 1939

Deutsche Botschaft

I.A.

Himm

RECEIVED

150- STERN, HERMAN FELDERICK

12/14
400
Q100

Buenos Aires, Argentina, December 6, 1939.

File
68
11/20

HONORARY LIVELIHOOD COMMITTEES AND REFORM

SECRETARY OF STATE

9
RECEIVED
DEPARTMENT OF STATE

Respectfully yours,

2. **WIFI**

SURINAM
SINGAPORE
france
Af
ex

WB3cic
File no. 130

1976 DEC 12 PM 2 21

0913091020

OPINION OF OFFICER TAKING AFFIDAVIT

The officer before whom the affidavit is made should see that the pertinent facts and circumstances regarding the applicant's residence abroad are fully and correctly set forth in the affidavit and application. If, for any reason, they are not so stated the officer should complete them in the space below, adding such comment or opinion as is appropriate. He should state whether the facts recited constitute the true reason for such residence, and whether they are sufficient under the established rules to entitle him to protection as an American citizen. He should also definitely state his opinion, in the case of a native citizen, whether the applicant has SATISFACTORILY EXPLAINED HIS PROTRACTED FOREIGN RESIDENCE, and in the case of a naturalized citizen whether HE IS IN A POSITION TO OVERCOME THE PRESUMPTION THAT HE HAS CEASED TO BE AN AMERICAN CITIZEN. (See G. I. C. No. 1014) He should sign his name and add his title below the statement of his opinion.

The applicant's passport no. 248504, issued by the Department on December 7, 1935, was limited in validity to March 7, 1936. It was extended by the Passport Agency in New York to be valid to February 26, 1937, and later extended by the Passport Agency in San Francisco to expire on December 7, 1937. It was renewed without limitation by the Consulate General at Vienna, on November 9, 1939.

The applicant's previous service on vessels of the McCormick Line has been verified through the line's offices in Buenos Aires, and the circumstances of his departure from the German vessel Ussukuma at Bahia Blanca are also known to this Consulate General.

In my opinion the applicant has a bona fide intention of traveling from Buenos Aires to Chile to ship on an American vessel returning to the United States, and a passport limited to a period of three months' validity, has been issued to him for this purpose. In view of his previous service on American vessels he has been issued this passport as an American seaman traveling in pursuit of his vocation and has been exempted from the payment of the nine dollar passport fee. It is noted from Section 9(a) of Passport Code No. 7.16 that when a passport is issued to a seaman traveling as such, his "Seaman's Protection Certificate" should be taken up and forwarded to the Department for transmission to the Collector of Customs by whom it was issued. However, the applicant states that he is not in possession of this certificate, it having been taken up to the best of his recollection by this office in November, 1936, when his passport, which had been forwarded here by the Department at his request to enable him to make a trip to Paraguay, was delivered to him at this Consulate General. This office has been unable to find a record in its files of the retention of the certificate against the delivery of the passport but has no reason to doubt the applicant's statement, particularly since his status as a seaman has been satisfactorily verified.

William Barnes
William Barnes
American Vice Consul

Approved:

Monnett B. Davis
Monnett B. Davis
American Consul General

03:15:47:03

DEC. 15, 1938
Date 11/15-

DRAFTING SECTION

Reviewer

Date _____

MEMORANDUM FOR REFUSAL

Call for investigation under Foreign Service Regulations, Par. 145.
Report of investigation under Foreign Service Regulations, Par. 145,
attached.

Refusal to be based on:

Not a citizen.

Unrelinquished domicile abroad.

(Marriage to an alien prior to September 22, 1922.)

Expatriation

(Oath of allegiance to a foreign country.)

(Naturalized in a foreign country.)

Abandonment of ties without asserting claim to citizenship.

Ill health of _____ not controlling reason.

Evidence insufficient to overcome presumption.
Not principally in the interests of American trade and commerce.

Reasons given do not fall within the rules.

Marriage to an alien subsequent to September 22, 1922.

(Unable to overcome presumption.)

Insufficient birth evidence or unsatisfactory references.
(Foreign Service Regulations, Paragraph 155, Note 9.)

MEMORANDUM FOR CORRESPONDENCE

Letter to husband for identification of wife and minor children.

Letter to firm.

Letter to reference.

Letter to religious organization.

Letter to _____ Department to verify status.

Submit Form No. 213.

Submit documentary evidence.

Submit photograph for identification.

Enclose copy of Special Agent's report. Consul to investigate identity of applicant and submit report.

Enclose copy of Special Agent's report. Consul to investigate identity and if satisfied issue a service passport valid only for immediate return to the United States.

Consul to investigate and if no adverse reason known, issue service passport (under Rule (g))

(Valid for

(full period.

No doubt you are familiar
with this little story book.
(See Circular in this
course - didn't include
MEMORANDUM FOR RENEWAL OR EXTENSION

Renew for full period.

Renew under Rule (g).

Renew for _____ months.

Extend for full ~~period~~

~~Extend for full period.~~
Extend for months.

Immediate return to the
United States.

01150733 (3A) United States. *Om*
PD-53C

PD-53C.

In reply refer to
File No. 130-Erben, Hermann Frederick

8820004-1522

DEPARTMENT OF STATE
WASHINGTON

September 2, 1938.

~~CONFIDENTIAL~~ FOR STAFF USE ONLY

PASSPORT FACILITIES FOR
DR. HERMANN FREDERICK ERBEN

To

American Consular Officers and to the American
Diplomatic Officers at Peiping, Nanking,
Moscow, Tirana and The Hague.

Sirs:

You are requested to refer to the Department any
application made by Dr. Hermann Frederick Erben for a
new passport or for the amendment of passport No. 248504,
dated December 7, 1935, which he now holds and which has
been renewed to be valid to December 7, 1939. The pass-
port has been endorsed to render it invalid for travel
in Spain and in China and it should not, without the ex-
press authorization of the Department, be made valid for
travel in those countries.

Very truly yours,

For the Secretary of State:

G. S. MESSERSMITH

Index under:

Erben, Dr. Hermann Frederick;
Passport facilities for,

Passport;

Facilities for Dr. Hermann
Frederick Erben.

Confidential - For Staff Use Only.
Passport facilities for
Dr. Hermann Frederick Erben.

Embassy, Legation or Consulate File No. 130

03:15:28:10:30

Vienna 5-15-38

Mr. Niklas, Dept. of State,
Passport Division,
Washington, D. C.

Sir:

Re: Refusal of Amendment of
U.S. passport No. 248504.

With reference to my interview with you, granted to me on Monday April 26th 1938, may I go on record as to the use of my U.S. passport No. 248504 as follows:

Due to the unfortunate dual status of an American citizen, who goes down to the sea in ships, as a bona fide American seaman, I had to hand in my American passport in December 1936 in Buenos Aires, since I had gone to Argentine in my capacity as a ship surgeon.

Upon my return to the United States my friend Errol Flynn asked me to accompany him in my capacity as a physician, to Spain, on February 17th 1937. Naturally I had no passport. I therefore sent the same day a registered airmail letter to Mrs. Shipley, asking to grant me my passport for this expedition, to accompany my friend Mr. Errol Flynn the Hollywood star. At that time no restrictions were in vogue and I could not be expected to anticipate any. Due to the distances Hollywood to Washington my passport did not reach me in time and I had to sail on Feb. 24th 1937 on the S.S. "Queen Mary" without my American passport. Only after Mr. Flynn's intervention and considerable difficulties, was I able to board the vessel without my passport. Mr. Flynn's guarantee, he being a British subject, alone enabled me to land in Southampton on February 28th 1937 without my passport. A few minutes before we left New York, I had written together with Mr. Flynn a request to Mrs. Shipley, to have my passport forwarded to Southampton. Mrs. Shipley had sent me a cable informing me, that she had granted my passport application and since she did not mention that it would contain any restrictions, I naturally could not guess, that it would be "not valid for Spain". I received my passport "not valid for Spain" at the U.S. Consulate in London on Saturday March 6th 1937. By that time I had signed up with the British medical aid for Spain, to pursue the humanitarian task to administer to the wounded in my capacity as a physician and surgeon, officially on the staff of the British Red Cross. Since it

130 - ERBEN, HERMANN FREDERICK

it was Saturday and I scheduled to leave for the continent, I could not do anything, but leave the matter for the U.S. Consulate in Paris to decide.

I certainly at that time was entitled to the opinion, that the U. S. Government would not refuse me a duly qualified American physician and surgeon to work under the auspices of the British Red Cross. And this opinion obviously was shared by Mr. Murphy the American Consul at Paris, who although not able to amend my passport himself, informed me, that as far as he knew, duly qualified doctors, who went in official red cross capacity to Spain, would get their passports amended. Also journalists were entitled to such amendment. Since I was in double capacity accredited as Mr. Flynn's press photographer as well as, as member of the British medical unit, I filed application for amendment of my passport. I made sure I was not violating any U. S. law or jeopardizing my citizenship and since my arrangement with Mr. Flynn could not be postponed for 4 weeks, until answer from Washington could come, I left Paris for Spain, with the knowledge and good wishes of Mr. Murphy and Mr. Severe, American Consul and Mr. Suthard American Consul general in Paris. That I did not sneak into Spain, I can prove by the fact, that I reported my presence immediately at the U. S. Consulate in Barcelona as well as Valencia. That I informed the Consulate in Paris is proven by the fact, that I asked the consulate to forward the answer from Washington to Spain.

When May 1, 1937 the American Consul stunned me with a letter, indicating that the department had refused to grant the amendment, thus refusing me the privilege to pursue the humanitarian task, to render help to the wounded and dying soldiers in Spain, I immediately deserted under these orders my work and hard as it is for a surgeon, to be forced to desert his patients, I obeyed the department's order and left immediately for Paris. Arriving with the next possible train, on May 10th 1937 in Paris. Unable to comprehend, why I should be barred from red cross work, I immediately, under complete documentary proof of my official capacity on the staff of the British Red Cross Unit, filed another application for amendment of my passport to Washington. I still could not believe the ghastly truth, I had seen too much undeserved tragedies, too much death in Spain, I couldnt believe it true, that a man, qualified to help and engaged officially in British medical work, should be refused the amendment. For that reason I did not return to America, but awaited anxiously the department's decision in Europe.

..... Knowing

- 3 -

Knowing, that whilst I was waiting, men were dying, men were suffering agonies, men I could save lives I could save! But my hopes proved false. June 18th I received under File No. 130/8 MLS/mk the second decision of the Department: "passport may not be made valid for travel to Spain".

I did not return to Spain, but lived up to the decision of the Department. May those men, that had to die, that could have been saved, had I been permitted to carry on my work, be lenient and forgiving, when once I have to account for having deserted them. But I did all I could, the Department stopped my work, not I.

Due to the fact, that the British authorities had not been satisfied, that my name had been removed from the international list of dope peddlers, since 7 years of investigation had proven beyond doubt, my innocence-- I was arrested in Hongkong, upon arrival. Not permitted to land in Hongkong, but immediately deported to Canton, China. Monday December 27th 1937 I reported myself immediately to Mr. Linnell U. S. Consul in Shamur Canton, explaining, that my arrest and deportation from British territory, had deprived me of my chance to seek legal entry into China. Entry was made under force of deportation from Hongkong. To go to Hongkong was not against my passport's restriction, for Hongkong is not China, but British. And my arrest and deportation I could not anticipate, especially since it was illegal. I immediately negotiated to return legally to Hongkong and Mr. Linnell was also of the opinion, that my appearing in China constituted no illegal use of my passport, contrary to its restriction, but was force major. Anticipating that my presence in China might some day be misunderstood, I took the necessary steps to go on official record, why I came to Canton without amendment of my passport. It took until January 7th 1938, until I was able to return to Hongkong, to apply for my passports amendment to return to China, legally. When I found that the circumstances why and how I came to Canton, were on official records, I proceeded to Japan, to have my passport amended in Japan, since my passport was duly visaed for Japan and Hongkong being overcrowded and extremely expensive, was no place to await Washington's decision. I proceeded to Kobe and applied for amendment of my passport, to go as red cross surgeon to China. Naturally I presented the official contract, showing that I was on legitimate medical Red Cross work, duly applinted for that work by the Chinese Red Cross, The Chinese Embassy and the Austrian

- 4 -

Austrian Red Cross. Establishing to the fullest satisfaction of the U. S. Consul in Kobe the fact, that I was going there as a bona fide American Red Cross surgeon.

January 21st the Japanese police informed me, that unless I sailed the same day, I would have to wait for 4 weeks, since neither C.P. nor N.Y.K. line would, during the next few weeks, carry white passengers, all space being booked for returning Japanese residents of Shanghai. Under these circumstances I reported myself to the U. S. Consul in Kobe again and asked his opinion, what to do. If I waited for Washington's reply to his cable, I would, in case my permission should arrive, have to wait 4 weeks in Japan. Did under these circumstances and war conditions my proceeding to Shanghai constitute a illegal use of my passport? The Consul's verdict was no! Since Shanghai is not China, as long as I confine myself strictly to the international settlement. I insisted on an official record of his decision and he was kind enough to make an official record, authorizing me to go under these circumstances to Shanghai and await the cable from Washington in Shanghai. He gave me a letter to Mr. Gauss U. S. Consul General in Shanghai, explaining that my proceeding to Shanghai was legal and within legitimate use of my passport.

January 28th came the Department's decision. "Dr. Erben is a suspect of illegal narcotic traffic, his passport may not be amended and no assistance, whatsoever may be granted". Cordell Hull. Although I knew, that this decision as the cable stated, was for something, I had been found innocent of, after 7 years of investigation, I accepted this second death sentence for my career, only regretting that by this decision countless lives had to be sacrificed, which I as a surgeon could have saved, and returned to the U. S.

It is terribly hard for a surgeon, to obey such a decision, to know, you are really breaking the holy hippocratic oath, we all have taken, to refrain from helping, where help is needed so badly, to let men die, men, you could save! Still, I forced myself and obeyed the Department's decision, as I did in Spain. And I can as in Spain, only pray for forgiveness, that I deserted the men, deserted the Red Cross flag, and by living up to U. S. passport No. 248504 restriction on page eleven, murdered and mutilated many a brave soldier, whose live I could have saved; whose war torn, wounded body I could have restored.

I

I therefore reserve the right to point out, that not only did I live up to U. S. passport No. 248504 restricting amendments, but I did so under the most trying conditions and against my better self, on the war torn and blood stained battlefields, and before the mangled bodies, of the brave soldiers of Spain and China.

May I never again have to become a traitor to my duty, in order to remain a law abiding citizen!

Hoping that this statement and its documentary evidence will be acceptable to you Sir as proof, that, at least as a law abiding American citizen, did I conduct myself, in the use of U. S. passport No. 248504.

I beg to remain most respectfully yours,

(Signed) H. F. Erben, M.D.

0315587030

Mr. Nicklas, Dept. of State
Passport Division.
Washington D.C.

FO20004-1528

Vienna 5-15-38

Re: Refusal of amendment of
U.S. passport No 248504.

Sir:

With reference to my interviews with you, granted to me on Monday April 26th 1938, may I go on record as to the use of my U.S. passport No 248504 as follows:

Due to the unfortunate dual status of an American citizen, who goes down to the sea in ships, as a bona fide American seaman, I had to hand in my American passport in December 1937 in Buenos Aires, since I had gone to Argentina in my capacity as ship surgeon.

Upon my return to the United States my friend Enrol Flynn asked me to accompany him in my capacity as a physician, to accompany him to Spain, on February 19th 1937. Naturally I had no passport. I therefore sent the same day a registered airmail letter to Mr. Shipley asking to grant me my passport for this expedition, to accompany my friend Mr. Enrol Flynn the Hollywood star. At that time no restrictions were in vogue and I could not be expected to anticipate any. Due to the distances Hollywood to Washington my passport did not reach me in time and I had to sail on February 24th 1937 on the S.S. "Queen Mary" without my American passport. Only after Mr. Flynn's intervention and considerable difficulties was I able to board the vessel without my passport. Mr. Flynn's guarantee, he being a British subject, alone enabled me to land in Southampton on February 28th 1937 without my passport. A few minutes before we left New York, I had written together with Mr. Flynn a request to Mr. Shipley, to have my passport forwarded to Southampton. Mr. Shipley had seen

re a cable in forming me, that she had ^{not} anted my
passport application ~~and~~ ^{and} ~~did not~~ ^{did not} mention that
it would contain any restrictions, I naturally could not
guess, that it would be "not valid for Spain".

I received my passport "not valid for Spain" at the U.S. consu-
late in London on Saturday March 6th 1937. By that time I
had signed up with the British medical aid for Spain, to
assume the humanitarian task to administer to the wound-
ed in my capacity as a physician and surgeon, officially
in the staff of the British red cross. Since it was Saturday and
scheduled to leave for the continent, I could not do anything
but leave the matter for the U.S. consulate in Paris to decide.

I certainly at that time was entitled to the opinion,
that the U.S. government would not refuse me, a duly
qualified american physician and surgeon to work under
the auspices of the British red cross. And this opinion
obviously was shared by Mr Murphy the american consul
of Paris who although not able to amend my passport him-
self, informed me, that as far as he knew, duly qualified
doctors, who went in official red cross capacity to Spain, would
get their passports amended. Also Journalists were entitled
to such amendment. Since I was in double capacity accredi-
ted, as Mr Flynn's press photographer as well as, as member
of the British medical unit, I filed application for
amendment of my passport. I made sure I was not vio-
lating any U.S. law or jeopardizing my citizenship and
since my arrangement with Mr Flynn could not be post-
poned for 4 weeks, until answer from Washington could
come, I left Paris for Spain, with the knowledge and good
wishes of Mr Murphy and Mr Sever, american consul
and Mr Sutherland ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~consulate~~ ^{consulate} in Paris.

That I did not sneak into Spain, I can prove by the fact,
that I reported my presence immediately at the U.S. consulate

in Barcelona, as well as Valencia. That I informed
the consulate in Paris is proven by the fact, that I asked
the consulate to forward the answer from Washington to
Spain. —

F820 004-1530

When May 1. 1937 the american consul summoned me with a letter,
involving that the department had refused to grant the
amendment, thus refusing me the privilege to pursue the humani-
tarian task, to render help to the wounded and dying soldiers
in Spain, I immediately deserted under these orders my work and
hard as it is for a surgeon, to be forced to desert his patients,
I obeyed the department's order and left immediately for Paris.
Arriving with the next possible train, on May 10th 1937. in Paris.
Unable to comprehend, why I should be banned from red cross
work, I immediately, under complete documentary proof of my
official capacity on the staff of the british red cross unit, filed
another application for amendment of my passport to Spain.
I still could not believe the ghastly truth, I had seen too
much undescribed tragedies, too much death in Spain, I could not
believe it true, that a man, qualified to help and engaged offi-
cially in british medical work, should be refused the amend-
ment! For that reason I did not return to Annice, but
awaited anxiously the department's decision in Europe.
Knowing, that whilst I was waiting, men were dying, men were
suffering agonies, men I could save, lives I could save!
But my hopes proved false. June 18th I received under File-
130/8 MLS/mk the stonol decision of the department:
"passport may not be made valid for travel to Spain".
I did not return to Spain, but lived up to the decision of the
department. May those men, that hoped to die, that could
have been saved, had I been permitted to carry on my work,
be lenient and forgiving, when once I have to account for
having deserted them. But I did all I could, the department
stopped my work, not I.

Due to the fact, that the law does not permit to present an
American passport for renewal ~~more~~ ^{more} than 30 days before
expiration, my application for passport renewal could not be
made in my case, prior November 7th 1937. Nothing was known
at the time I accepted a position on the staff of the Nanjing
Red cross, to do war surgery in China, that the U.S. government
would not issue American passports "not good for travel in
China", in November. My inquiry at the U.S. consulate in
Berlin, October 5th 1937, did not reveal any such restrictions in
force, or contemplated! On the strength thereof, I signed my
contract to go as official Red cross surgeon to China, in my
capacity as surgeon. Contracts signed, on behalf of the Chinese
Red cross, at the Chinese embassy in Vienna, and also by the
Austrian Red cross society in Vienna.

Again I was stunned, when out of a clear sky November 9th
1937, when my passport was renewed in Vienna, it was made
"not good for travel in China". Exactly 4 weeks ago, the U.S.
consul in Berlin had stamped and registered my passport,
and on the strength of the information, that no restrictions
existed or were contemplated, as regards the travel in China,
had signed my contract with the Chinese Red cross!
I could not back out, and since I had a visa for Hongkong,
I was entitled to proceed to Hongkong, which is not China,
but British Territory. It was impossible to back out, steam-
ship passages were paid for, contracts signed and I had
no other choice, but proceed to Hongkong, where no restric-
tions existed and where my passport entitled me to go.
Upon arrival in Hongkong, I intended to ask for amend-
ment and permit to proceed to China, or I intended to
continue to the U.S. ~~should~~ ^{should} the government be inclined
to withhold, as in any case in Spain, again in China, permission
to carry out the humanitarian task of a surgeon!

Due to the fact that the British authorities had not been notified, that my name had been removed from the international list of slope peddlars, since 7 years of migration had passed beyond doubt, my innocence was arrested in Hongkong, upon arrival. Not permitted to land in Hongkong, but immediately deported to Canton, China. Monday December 27th 1937 I reported myself immediately to Mr Linnell U.S. Consul in Shanghai Canton, explaining, that my arrest and deportation from British Territory, had deprived me of my chance to seek legal entry into China. Entry was made under force of deportation from Hongkong. To go to Hongkong was not against my passport's restriction, for Hongkong is not China, but British. And my arrest and deportation I could not anticipate, especially since it was illegal. I immediately negotiated to return legally to Hongkong and Mr Linnell was also of the opinion, that my appearing in China constituted no illegal use of my passport, contrary to its restriction, but was force major. Anticipating that my presence in China might some day be misunderstood, I took the necessary steps to go on official record, why I came to Canton without amendment of my passport. It took until January 7th 1938, until I was able to return to Hongkong to apply for my passport's amendment to return to China, legally. When I found that the circumstances why and how I came to Canton, were on official records, I proceeded to Japan, to have my passport amended in Japan, since my passport was duly issued for Japan and Hongkong being overcrowded and extremely expensive, was no place to await Washington's decision. I proceeded to Kobe and applied for an amendment of my passport, to go as red cross surgeon to China. Naturally I presented the official contract, showing that I was on legitimate medical red cross work,

by agreement for the Chinese. Not even
Chinese military and the British
to the Indian portion of the U.S. Coast and
the fact that I was going there as a bona fide American
citizen engaged. January 21st the Japanese police informed
me that when I sailed the same day, I would have to wait
at Yokohama with the C.P. war ship. I did not, during the
last two weeks, say anything to the Japanese, all space being devoted
to warning Japanese residents of danger. When
the circumstances I reported myself to the U.S. Coast in
the again and as had an opinion, what to do. It was
Washington apply to his cable, I would, in case my pa-
tient should arrive, have the war ship wait in Japan.
I made this arrangement and was confident that my
resolving to Shanghai could have a slight use of my
myself. The command reached was me. I think Shanghai is
at Shanghai as long as I confine myself strictly to the matter
of Japan without. I ministered on an official record of
decision and he was kind enough to make an official
cable, with my me to go into the arrangements to
Shanghai and over the cable from Washington in
Shanghai. He gave me a letter to Mr. Wren U.S. Coast
invest in Shanghai, explaining that my proceeding to
Shanghai was legal and within legitimate use of my power.
January 28th came the departure decision.
It was a matter of slight matter, the passport
may not be cancelled and no assistance, what so it may
be granted. Could it be that. Although I knew that this decision
in the cable station, I had then found immor-
tal, after 7 years of imprisonment, I expected that I would
death sentence for my career, only regarding that by this decision
somehow I was had to be seen, which I saw as a man
should have said, and returned to the U.S.

F820 004-1535

DEPARTMENT OF STATE

PASSPORT DIVISION

April 26, 1938.

File
Circular
Instruction drafted
On
4-26-38

MEMORANDUM CONCERNING DR. HERMANN
FREDERICK ERBEN.
(File No. 130- Erben, Herman Frederick)

Dr. Erben called at the Department on April 25, 1938, and discussed with me at some length his adventures since his last appearance at the Department. He stated that before leaving this country he made arrangements with the movie actor Errol Flynn to go to Spain with him and that he did not know until his passport was delivered to him in England that we were restricting passport facilities for Spain. He stated that the Consul in England told him to see the Consulate General at Paris regarding the matter as they would have more information at Paris. When he arrived at Paris he made application at the Consulate General for passport facilities for Spain but could not await the Department's report since Flynn was going into Spain at once. He stated that when he received word at Barcelona that his application for the amendment of his passport was disapproved he left Spain immediately and

130- ERBEN, HERMANN FREDERICK

FILED

SEP 1 1938

MM

and renewed his application later in France.

Dr. Erben stated that he had gone into the portion of Spain held by the Loyalist forces for the purpose of spying upon them and particularly upon the Germans serving in the Loyalist army. He stated that he had taken about 2,500 pictures while in Spain and that many of these were of Germans who were serving in the Government forces. He also obtained the names, home addresses, and names of relatives of such Germans and forwarded the information to the German secret police who investigated in Germany the families of the Loyalist soldiers.

When Dr. Erben made his application for the extension of his passport in Vienna he had already made arrangements to go to China with the Austrian Medical organization. After his passport was extended and the same was made not valid for travel in China he made inquiry and ascertained that the restriction did not apply to Hong Kong. Dr. Erben claims that upon his arrival in Hong Kong he was arrested by the British police and deported to Canton, China, where he got in touch with the American Consul and explained the circumstances of his case and the Consul made arrangements for him to return to Hong Kong from which port he sailed for Kobe,

Japan.

Japan. Upon his arrival in Kobe, Dr. Erben made application to the American Consul there for the amendment of his passport to be valid in China. He claims that he submitted to the Consul documentary evidence of his employment by the Austrian Red Cross and that as a result the Consul sent the Naval radiogram to the Department. He claims that after the radio was sent he ascertained that unless he sailed for China at once he could not obtain transportation to Shanghai. He claims that he reported this fact to the Consul and explained to the Consul that he had no funds to pay for his room and board if he remained in Kobe. He alleged that the Consul gave him a letter to the American Consul General at Shanghai explaining the situation and that he had the implied permission of the Consul at Kobe to sail for Shanghai. Dr. Erben left China in the early part of March of this year and arrived at San Diego on March 19. He stated that he worked his way over from China. Dr. Erben requested that his passport be made valid for travel in Spain and China but I told him that the amendments could not be made in the absence of documentary evidence regarding his alleged employment by medical missions. Dr. Erben stated that he desired to go to Spain and enter Madrid with the Rebel forces; then he wants to go to Austria

for

- 4 -

for the purpose of denouncing to the German authorities the Austrian police who caused his arrest a number of years ago and to see that they are properly dealt with. While in Germany he also wants to make arrangements for the return to this country of his two children. Then he desires to return to China to take part in refugee work.

Dr. Erben stated that the Chinese are not interested in medical assistance but that the Japanese will permit medical assistance to be given to the Chinese in the territory which they hold provided that the assistance is rendered by acceptable aliens. He stated that the Japanese definition of acceptable aliens is "Germans or Americans of German descent." He had with him a number of gruesome pictures of Chinese who had evidently been dead for some time and said that the Japanese permitted him to make such photographs but would not permit ordinary Americans to do so.

Dr. Erben is a very zealous Nazi and showed me the pictures of his two sons in their Nazi uniforms. He was present at the Birthday Dinner in honor of Hitler held in New York several days ago at which the raid occurred. He was also present in his capacity as a spy at the meeting held a few days ago in honor of the veterans who returned from Spain.

Dr. Erben

Dr. Erben thinks that some day the National Socialists will predominate in this country. He is very violent in his dislike for the jews.

I did not take up Dr. Erben's passport partly because of the absence of evidence that he intentionally violated the restrictions contained therein and partly because he indicated that if he could not obtain a passport he would travel on other documents. I think that a careful check should be made on his activities and that this can be done better by permitting him to travel on an American passport in his own name. I warned Dr. Erben that if he should again violate the conditions of his passport that we would take it up and refuse him further passport facilities even though he was abroad at the time. He promised that he would never again use his passport in violation of the restrictions contained therein and that if he should make an application for the amendment of the passport he would await the Department's decision instead of assuming that the amendment would be authorized. However, I do not think that we can expect that Dr. Erben will keep his promises.

Dr. Erben was familiar with the contents of the Department's confidential cablegram of January 26, 1938, to the Consul General at Shanghai and claims that the consular officer read it to him.

Dr. Erben is now clean-shaven with the exception
of

- 6 -

of a Hitler mustache. He is considerably thinner than when he was last at the Department.

A. J. Nicholas

130- Erben, Hermann Frederick

PD:AJN:MKW

DOCTOR SAILS FROM SHANGHAI AFTER CHINESE REFUSE SERVICES

Dr. H. F. Erben, member of the Austro-American medical mission whose treatment in China caused considerable indignation and furore in both foreign and Chinese circles, sailed March 6 on the Nagasaki Maru for Japan en route to the United States after the Chinese Red Cross had finally fulfilled its contract with him, the EVENING POST reports.

In settling for £300 instead of the £337 owed him according to the contract, Dr. Erben waived claim to £37 which he suggested the Red Cross use in future to aid other foreign doctors stranded in this country through no fault of their own.

The American doctor signed no statement signifying that he was satisfied with treatment accorded, a step which other members of the mission are said to have taken when induced to settle their contracts for £100, a small part of the sum due them. Dr. Erben merely signed a statement indicating that he and the Red Cross authorities had come to a satisfactory agreement.

Prior to the settlement, Dr. Erben was asked what his terms were: He stated that either he be put to work aiding the wounded, the task for which he was originally engaged, or his contract be fulfilled. Rather than employ the services of an experienced war doctor, the Red Cross paid Dr. Erben. He will thus not be able to visit the interior and become cognizant of the conditions under which medical work is carried out in China.

Dr. Erben, the only member of the mission who stood up for his rights and revealed an unwholesome condition in the Chinese Red Cross service, thus has received the best treatment of any member of the mission although the Chinese at first maintained that he had no contract and therefore was not entitled to any money whatever.

J.W. 180- Erben, Hermann Frederick

0310587030

JANUARY 27 1938

In reply refer to
FE 130 Erben, Herman F.

~~CONFIDENTIAL~~

Attention: Customs Agency Service

The Secretary of State presents his compliments to the Honorable the Secretary of the Treasury and, referring to this Department's letter of January 26, 1938, encloses herewith, in duplicate, for the confidential information of the Treasury Department, a paraphrase of telegram No. 71, dated January 26, 1938, to the American Consul General at Shanghai, in regard to Herman F. Erben, No. 249 on the Confidential List of Persons Suspected of Being Engaged in the Illicit Traffic in Narcotic Drugs.

Enclosure:

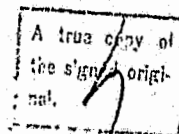
Paraphrase, in duplicate.

OR ✓
JAN 27 1938. PM

FE:GAM:AT

FE

1/27/38



GAM

✓
F620004-1543

JANUARY 26 1938

In reply refer to
FE 130 - Erben, Hermann Frederick

~~CONFIDENTIAL~~

Attention: Customs Agency Service

The Secretary of State presents his compliments to the Honorable the Secretary of the Treasury, and encloses herewith, in duplicate, for the confidential information of the Treasury Department, a copy of a telegram dated January 21, 1938, from the American Consul at Kobe, in regard to Dr. Herman F. Erben, No. 249 on the Confidential List of Persons Suspected of Being Engaged in the Illicit Traffic in Narcotic Drugs.

Enclosure:

Copy of telegram from Kobe,
dated January 21, 1938, in duplicate.

OR ✓
JAN 26 1938.

0315087000

FE:GAM:AT

FE

PD

1/25/38

FE

1/25/38

copy of
original
1/25/38

F820 004 -1544

TELEGRAM SENT

January 27 1938

JR

This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (A).

January 26, 1938

11 a.m.

AMERICAN CONSUL

SHANGHAI (CHINA)

71.

Kobe's telegram January 21 Hermann F. Erben
bearer passport not (repeat not) valid for China.
Erben has been in difficulty in various countries
and has been accused of being spy and narcotic
trafficker. Besides American passport has also used
Seaman's certificate and Austrian passports. Was
specifically warned in November not to go China.

Erben should be rendered no (repeat no) assistance
in landing or traveling in China.

HULL
(RBS)

130- Erben, Hermann Frederick

PD:AJN:MEO

0315087030

F820-004-1545

Paraphrase of Confidential Telegram No. 71,
dated January 26, 1938, to the
American Consul General at Shanghai.

Herman F. Erben, the subject of Kobe's telegram of January 21, was given specific warning in November not to go to China. His passport is not valid for China and he should be given no aid in landing or travelling in China. Erben has been accused of trafficking in narcotic drugs and of being a spy and consequently in various countries he has been in difficulties. In his travels, Erben has used a seamen's certificate and Austrian passport in addition to his American passport.

0315587030

October 22, 1937

To the American Consular Officer in Charge,
Berlin, Germany.

There is enclosed a copy of a letter dated September 30, 1937, from Doctor Hermann Frederick Erben, who desires to obtain the renewal of his passport, the validity of which expires on December 7, 1937.

You are authorized upon Doctor Erben's application therefor and upon the payment of the customary renewal fee to renew Doctor Erben's passport for the full period of its potential validity. You should endorse Doctor Erben's passport "Not valid for travel in China" and should warn him that if he persists in using his passports contrary to the stipulations contained therein, the Department may refuse him further passport facilities.

Enclosures:
Copy of letter;
Copy of this instruction.

130- Erben, Hermann Frederick

PD:AJN:ES 10/18 *AM*

FILE

F820 004-1547

Form No. 239-Consular
(Revised May, 1932)APPLICATION FOR RENEWAL OF PASSPORT *4-28-37*

CAUTION.—Extension of expressly limited passports must be applied for on Form 219

In conformity with the rules and regulations prescribed by the President and the Secretary of State pursuant to law, I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear herein.

RENEWAL SERIES No. 8Passport No. 248504Passport Serial No. DepartmentalIssued on Dec. 7, 1935 at Washington
(Date) (Place)

I, Hermann F. Erben, a (naturalized) American citizen, was (never married)
(Name) (native) (married on)

(To be filled in by women only.)
My husband is a (naturalized) American citizen
(native) (an alien, a citizen of)

My legal residence is San Francisco California
(Street address) (City) (State)

I represent the _____
(Name of person or organization)

The part in this block is to be filled in by all persons who have acquired citizenship through naturalization.

Since my present passport was issued, I have resided outside the United States at the following places for the periods stated:

Vienna, Austria Dec. 23, 1935 Mar. 16, 1936
Berlin, Germany from Mar. 16, 1936 to Apr. 28, 1936
United States and ship
surgeon on S/S West from Mahwah May 1936 to Feb. 1937
Traveling in England-Germany-France-
Spain-Czechoslovakia from February 1937 to date
Austria

The purposes of my visits to the foregoing countries were:

study and visiting relatives

(Give reason or reasons for stay in each country named.)

H. F. Erben
(Signature of applicant)

19 Arenbergring, Vienna III, Austria.
(Foreign address)

I CERTIFY that the person to whom the above passport was issued appeared before me in person and swore to and signed the above application on the ninth day of November, 1937

Fee \$5.00

John H. Lord
(Signature)
American Consul
(Title)

Vienna, Austria.
(Renewing office)

(OVER)

1-1229

F820004-1548

CERTIFICATE OF ACTION TAKEN

I HEREBY CERTIFY that the above passport was on November 9, 1937
(Date)

~~renewed for ----- months.~~
~~renewed for two years.~~
~~referred to the Department for consideration and decision together with Form 213.~~
~~taken up.~~

[SEAL]

[Signature]
(Signature)
John H. Lord
American Consul
(Title)

(After application has been submitted to Department and instruction in reply received)

I HEREBY CERTIFY that the above passport was on November 9, 1937
(Date)

~~renewed for ----- months.~~
~~renewed for two years.~~
~~refused renewal and passport taken up.~~

Authority Department's Instruction to American Consul General in
Berlin, Germany, under date of October 22, 1937.

[SEAL]

[Signature]
(Signature)
John H. Lord
American Consul
(Title)

Notarial Service No. 4956

In duplicate, but when the application is to be referred to the Department for consideration, it should be taken in triplicate. After the Department's decision is reported to the consular office, the triplicate copy should be filed in with the final action taken and forwarded to the Department, the duplicate copy on file in the office being amended accordingly.

U. S. DEPARTMENT OF STATE SERVICE 1-1519

0311507030

7820004-1549

(FORM NO. 219—FOREIGN SERVICE)
(Established May 1918—Revised April 1935)

Feb
11-28-37

APPLICATION FOR AMENDMENT OR EXTENSION OF PASSPORT
(To be filled out in duplicate)*

I, Hermann F. Erben, the person to whom passport No. 248504
was issued on Dec. 7, 1935, by the { Secretary of State at Washington.
American Consul (Place)

do hereby apply to the { Department of State, Washington
American Consulate General at Vienna, Austria (Place)

(a) for its extension for 12 months.

(b) for its amendment to { include } members of my family as follows:

attach another photograph as I do no longer wear a beard.

(Name in full) (Relationship) born at

on now residing at

(Name in full) (Relationship) born at

on now residing at

(Name in full) (Relationship) born at

on now residing at



H. F. Erben M.D.
(Signature of applicant)

Arenberggasse 19, Vienna III.
(Foreign address)

I certify that the person to whom the above passport was issued
appeared before me in person and swore to and signed the above

application on the ninth day of November, 1937.

John H. Lord
(Signature)
John H. Lord
American Consul
(Title)

NOTES.—To be sworn to at option of Consular Officer. (No fee if sworn to before
Consular Officer.)
Applications may be accepted by mail if they have been sworn to before a local officer
authorized to administer oaths for general purposes. In such a case the foreign official should
fill out, sign, and add his seal to the form beneath.

CERTIFICATE OF ACTION TAKEN

I hereby certify that the above passport was on November 9, 1937
(Date)

amended as requested (as shown by corrections).

extended for (Insert length of period)

Authority (If specially authorized by letter, instruction, or telegram)

Documentary evidence submitted NOTE: The photograph taken at the time the pass-
port was issued shows applicant with a beard. Now that he is clean-
shaven he claims, he has considerable difficulty in establishing his
identity. (Brief description)

[SEAL]
[NO FEE]

John H. Lord

(Signature of American Consul) Consul

INSTRUCTIONS

- Passports may be amended in accordance with the provisions of Section 140 of the Consular Regulations annotated.
- When the holder of a passport which has been expressly limited in validity requests the extension of the passport, he should be required to submit the customary affidavit on Form No. 213.
- In cases where specific authorization by the Department is required, a notation of the action taken, upon the receipt of a reply from the Department, should be furnished on a third copy of this form.

ERBEN, HERMANN FREDERICK

6020004-1550 Bureau 9-30-37

Dept. of State
Washington D.C.
Passport Division
% Mr. Shipley

Madame:

Your office issued me U.S. passport No 24850 on Dec. 1st 1935. Said passport expires Dec. 1st 1937. The American consul in Berlin informed me that in application for renewal, for the period of two years, say make the last not be accepted until Nov. 1st 1937. May I request fully state if my application for renewal for 2 years, up to Dec. 1st 1939 will be granted? The reason, why this question is of vital importance for me is as follows:

I have an opportunity to go in my capacity as a physician to the Far East, South Sea Islands, on a scientific expedition. In March 1935 I was also asked to sign a contract to join an expedition. At that time I accepted a contract in which a rather large amount of money and then in informed, that my passport could be made good only for my immediate return to the U.S. I then again went to the office, what I had to make, through this nation of my passport. At the same time my nearly jeopardized my most sacred possession my American citizenship.

This time therefore, before I accept an appointment, I want to make sure, that my application for renewal of my passport will be granted, before I invest money, which I would lose, should my passport application be refused. For I rather give up a very interesting scientific expedition and the chance of making a contribution and scientific study, than one of misadventure and scientific stagnation. I am sure more in my life, to jeopardize my American citizenship.

DEPARTMENT OF STATE
DIVISION OF PASSPORTS AND CONSULAR AFFAIRS
RECEIVED
SEP 28 1937
AM

10-19-37
J. B. B. B.

Since it is necessary for me to ^{decide} ~~decide~~ I cannot
accept an appointment by November 1st 1937, and this deci-
sion depends entirely on you, whether you will be kind
enough to extend my U.S. passport No 248504 or restrict
it for my immediate return to the U.S. I respectfully
ask you to be kind enough, to inform me at your
earliest convenience, whether I will be granted an exten-
sion or not.

As far as the legal aspect of my case, to my best knowledge
and belief, goes, I am entitled to an extension, for this
time the supposition of self expatriation, again, has
not arisen.

My passport No 248504 was issued on Dec 7th 1935 in Washington D.C.
I left for Europe on Dec 9th 1935. "S.S. Sarnoseie"
returned to U.S. on the S.S. City of Hamburg on May 9th 1936.

Which makes exactly 5 months absence
then was in the U.S. permanently and legally, sailing under
the American Flag as shipowner on U.S. ships articles,
until February 24th 1937.

Which makes exactly 8 months + 15 days.
I then left on the "Queen Mary" February 24th for Europe and
have since traveled in Europe.

Which makes again an absence from the U.S. of
1 months + 1 days.

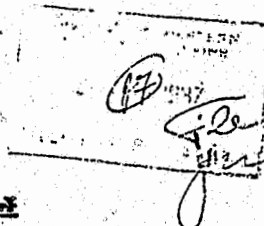
Under these circumstances I trust, you will be able to grant
my passport, so that I may join an expedition, which for
my career as a scientist and physician, is of the utmost
importance.

I beg to thank you for your kindness in this matter
as well as an answer at your earliest convenience c/o the U.S.
Consulate in Berlin - Germany.

Most respect fully Yours

H. F. Erben M.D.

H. F. Erben M.D.
U.S. Consulate
Berlin - Germany.

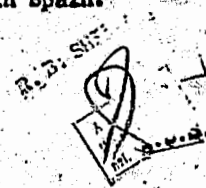
CONFIDENTIAL - FOR STAFF USE ONLY

To the American Consul General,
Berlin, Germany.

June 7, 1937

The Department has received your despatch No. 1550 of May 21, 1937, regarding the case of Hermann Frederick Erben.

In this connection there is enclosed for your information a copy of an instruction to the Consul General at Paris dated June 1, 1937. As you will note from the aforementioned instruction, Dr. Erben advised an American consular officer at Rio de Janeiro that his two sons had joined the insurgent army in Spain. Accordingly, the Department is desirous of knowing what he said regarding them when making application for the immigration visas for them at your office. Dr. Erben's passport should not, of course, be made valid for travel in Spain.



Enclosures:

Copy of this instruction;
Copy of instruction to Consul General
at Paris, dated June 1, 1937.

130 - Erben, Hermann Frederick

FD:AJN:DG

03 JUN 1937

June 1, 1937

~~CONFIDENTIAL FOR STAFF USE ONLY~~

To the American Consul General,
Paris, France.

The Department has received your despatch No. 1077 of May 11, 1937, regarding the desire of Dr. Hermann F. Erben to have his passport made valid to enter Spain.

It may be stated for your confidential information that Dr. Erben has caused the Department considerable trouble because of his varied activities in foreign countries. As you are doubtless aware, he is on the confidential list of the Narcotic Service. He was recently a ship's doctor on a steamer going to South America and his loyalty to the United States was questioned by various persons with whom he came in contact. He informed an American consular officer at Rio de Janeiro that his two sons had joined the insurgent army in Spain. He had previously informed the Department that these sons were in a concentration camp in Germany. His statements are thoroughly unreliable.

In view of the foregoing and of other circumstances of Dr. Erben's case, the Department does not desire that his passport be made valid for travel to Spain.

As

0315571000

-2-

As you know, the use of a passport to enter Spain in violation of the restrictions contained therein makes the bearer liable for violating Section 221 of Title 22 of the United States Code.

A true copy of
the signed original.

S.D.S.

Enclosure:
Copy of this instruction.

130- Erben, Hermann Frederick

PD:AJN:ES 5/25
gb 5/1

03115007030

REPUBLIC OF FRANCE
CITY OF PARIS
CONSULATE GENERAL
OF THE UNITED STATES OF AMERICA

SS

Before me Marc L. Severe Vice Consul
of the United States of America, duly commissioned and qualified,
personally came Hermann F. ERBEN

who, being duly sworn, deposes and says that: Reference is made to the application made by me at the Consulate General on March 19th last and to the affidavit of that date giving my reasons at that time for desiring to go to Spain, that is, as assistant and cameraman for the well-known actor and writer, Errol Flynn. As Mr. Flynn had to be in the United States a short time later, it was necessary for me to leave with him at that time without awaiting the authorization of the Department of State to this office to extend to me assistance in such travel. I succeeded in entering Spain with him and fulfilled my contract with Errol Flynn. Immediately on my arrival in Spain, I went to the American Consulate in Barcelona to report the fact that I had gone to Spain without authorization and to request that office to inform Paris of my whereabouts so that when approval came from Washington, which I believed naturally would come, I could have my passport made good for travel in Spain. I later also reported to the Consulate in Valencia. In the meantime, Mr. Flynn left Spain and I, being a physician with special training and experience in tropical illnesses, I became a member of the English Medical Unit in Spain. A short time ago I was informed that the Department of State had disapproved my application above-mentioned to go to Spain as assistant to Errol Flynn, and I have now returned to Paris, having arrived here this morning, for the sole reason that I wish to clear my status and travel to Spain with the authorization of the Department of State as a legitimate member of the English Medical Unit in Spain. I have presented at this office two "safe-conduct" documents, one issued by the Spanish Embassy in Paris under date of March 23, 1937 and the other by the Ministry of War in Spain, dated April 15, 1937, each stating that I should be free to come and go as convenient as I am a member of the English Medical Unit there; also I have presented a certificate from the Chief of Staff of the Sanitary Service in Spain, dated April 15, 1937, at Valencia. While in accordance with these documents and Spanish regulations, I can pass freely in and out of Spain; I left that country, where hundreds are dying daily and need the care of physicians, which I am more than glad to render, from a humanitarian feeling as well as the possibility of research in medical work, only because I wish to be there with the authorization of the Department of State, as are the other members of the Medical Units there. In the light of the above, I respectfully request that special reconsideration of my case, now solely as a physician and member of the English Medical Unit, be made so that I can continue my humanitarian work in Spain on exactly the same footing as the other members of the Medical Units in Spain who have the same qualifications and sworn to before me. I have presented also as additional evidence a letter addressed to me by the Organizing Secretary of the British organization in charge of medical units in Spain.

M. L. Severe
Marc L. Severe
Vice Consul of the United States
of America at Paris, France

0315087030

DOCUMENT FILE

NOTE

SEE 852.00/5384 FOR Instruction

FROM Valencia () DATED June 5, 1937

TO

NAME

1-1127 GPO

REGARDING: Action in refusing accomodation at Embassy in Madrid to Dr. Erben, whose passport was endorsed "Not valid for Spain" is approved and should be followed in similar cases in the future.

JUN 10 1937

FILED

H

03:05:07:030

130- ERBEN, HERMANN FREDERICK

F020 004 = 1557

SPANISH MEDICAL AID COMMITTEE

24 New Oxford Street
W.C.1

President:
Rt. Hon. CHRISTOPHER ADDISON, M.D.

15th March, 1937

Dr. H.F. Erben,
c/o Messrs Thomas Cook & Son, Ltd.,
Berlin
Germany.

Dear Dr. Erben,

Thank you for your letter. I am sorry to hear that you are delayed in Berlin, but hope you will soon overcome your difficulties and be able to proceed to Paris.

Today's newspaper reports a change of attitude towards Spain by your Government and it would appear that there would no longer be any difficulty in your obtaining a visa for Spain. I enclose a newspaper cutting; no doubt it will help you with your Embassy in Paris, if you show it to them.

I hope to hear from you soon.

Yours sincerely,

(signed) George Jeger
Organizing Secretary

0315087030

FLYNN DENIES BEING SHOT IN SPANISH WAR

F820 004 - 1559

Actor, Returning From Madrid,
Laughs Over Report; Lili
Damita Frantic in London

BARCELONA, April 5 (C.T. P.S.).—Laughingly denying he had been wounded, Errol Flynn, Hollywood actor, passed through Barcelona today en route from Madrid to Paris, where he will rejoin his actress wife, Lili Damita.

Flynn, who was reported wounded while on a tour of the war fronts, left by air for Toulouse and Paris. He has been vacationing in Europe.

By DAVID P. SENTNER

LONDON, April 5.—The salty Spanish saga of Errol Flynn, dashing hero of the silver screen, gripped Hollywood-conscious Europe today.

But whether the actor really was wounded by a stray bullet on the Madrid battlefield or lounged unscathed in the lobby of a luxurious hotel was a matter for keen speculation—with several versions of his Spanish adventure to choose from.

Heard He Was Dead

Late last night Lili Damita, actress wife of Flynn, received a telephone call from a London friend reporting he had been killed near Madrid. Then followed hours of frantic telephoning and a wave of relief when it apparently became established he had suffered nothing more serious than a flesh wound on the left side of his face.

But the Spanish press agency, with headquarters in London, felt it incumbent to investigate the matter even more thoroughly, and in response to a telegraphed query received this dramatic "war bulletin":

"Flynn, dressed in smart gray suit, seen sitting lounge Madrid Hotel last night talking to Prof. J. B. S. Haldane and Ernest Hemingway, American novelist."

Lili Is Frantic

Said Lili when confronted with the dispatch:

"Someone ought to be shot for this. I have run myself ragged for hours getting in touch with the British foreign office and other places in search of information. It is a great relief to hear he is okay. I cannot believe he would have fully caused me all this anxiety."

*Washington
Herald*

April 6, 1937

FLYNN NOT WOUNDED

Madrid Defense Junta Displeased
by Report Concerning Actor

Wireless to THE NEW YORK TIMES.

MADRID, April 5.—The Spanish civil war was tried out last night as the ground for motion picture publicity. Today Madrid does not know whether to be resentful or to be amused. In any event American radio fans may be assured that one of their idols—Errol Flynn—was not wounded.

Official disapproval of Mr. Flynn's action was expressed in a note the Defense Junta issued tonight over the signature of Colonel Fernando Redonda.

"For whatever good it may do," it says, "this is to make it known that neither in the Madrid Defense Junta nor in the Section of Operations has notice been given of the film actor Errol Flynn's being wounded on the Madrid front or that on any occasion he has been authorized to visit the University City front or any other front of the capital."

New York Times

April 6, 1937

03115087030

5020 004-1561

**Errol Flynn Wounded
Slightly Near Eye
by Rebels' Bullet**



By United Press

MADRID—Dr. Hermann E. Erben of New York said today that Errol Flynn, swashbuckling movie star, was wounded slightly near the left eye by a Rebel machine gun bullet in the University City area Saturday night.

Erben said he and Flynn were walking behind the Loyalist lines when there was a burst of machine gun fire.

"Flynn fell," said Erben. "I carried him to a first aid station. I do not think the wound will affect his eye, tho it was close. Flynn left for Valencia yesterday morning."

0315047030

Washington News.
April 5, 1937

ERROL FLYNN IS HURT BY A BULLET IN SPAIN

*Film Star Was Visiting Front
in Guadalajara to Gather
Material for Article*

Copyright, 1937, by The Chicago Tribune.

PARIS, April 4.—Errol Flynn, Hollywood film actor, was wounded by a machine-gun bullet while visiting a battlefield on the Guadalajara front northeast of Madrid, according to a telegram received today by friends here.

The message came from Dr. Herman Erben, who was accompanying the actor for the purpose of taking photographs while Er. Flynn was gathering material for a magazine article on the Spanish civil war. The telegram said Mr. Flynn had returned to Madrid, but did not give any indication of his condition.

LONDON, April 4.—"It seems impossible. I got a wire from him yesterday. I only put him on a train a few days ago," said Lily Damita, Hollywood film star, when told her husband, Errol Flynn, also a Hollywood film star, had been wounded on the Spanish front today.

Miss Damita is the guest of Sir Adrian Baillie here. She explained that her husband went to Spain by way of Perpignan, France, a few days ago under contract to write magazine articles.

New York Times

April 5, 1937

03:15:07:030



ERROL FLYNN AND LILI DAMITA
*Actor Wounded in Spain and His
 Film-Star Wife.*

Adventurous Actor Shot in Head by Rebel Machine Gunners

MADRID, April 5 (Monday) (O.T.P.S.).—Errol Flynn, swash-buckling motion picture star, last night reported in London dispatches as killed, was wounded in the head by nationalist machine gun fire Saturday night, it was announced early today by his traveling companion, Dr. Herman Erben, a tropical disease specialist.

Dr. Erben said the dashing Irish husband of Lili Damita, Hollywood screen beauty, was hit near the left eye by a machine gun bullet as he was touring the University City sector on the outskirts of Madrid.

Dr. Erben said:

"Flynn and I left by automobile late Saturday for the University City front to watch the

fighting, which was going on then.

"Upon arriving, we abandoned our car and started walking. Soon there came a burst of machine gun fire from the rebels and Flynn fell. I carried him to the car and gave him first aid. I do not think the wound will affect his eyesight, although it was a pretty close shave.

"Flynn was able to leave for Valencia and hospitalization there early Sunday morning."

*Washington
 Herald
 April 5, 1937.*

In reply refer to
130 - Erben, Hermann Frederic

March 20, 1937

Collector of Customs,
San Francisco, California.

Sir:

There is enclosed a Seaman's Protection Certificate which was submitted to this Department recently when the bearer applied for and obtained an American passport.

If the person to whom the certificate was issued should apply to your office for its return in the future, it is requested that his passport be taken up and transmitted to this Department.

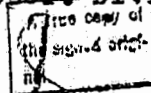
Very truly yours,

R. B. CHIPLEY

R. B. Shipley,
Chief, Passport Division

Regis. by PD

Enclosure:
Seaman's Certificate.



PD JCE:MR

3/26

03115387030

F820004-1565

REPUBLIC OF FRANCE
CITY OF PARIS
CONSULATE GENERAL
OF THE UNITED STATES OF AMERICA

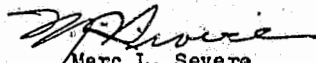
SS

Before me Marc L. Severe Vice Consul
of the United States of America, duly commissioned and qualified,
personally came Errol Flynn

who, being duly sworn, deposes and says that : I am a British subject
and have an assignment from Cosmopolitan and Liberty to write a book
and a series of articles on Spain of today. Dr. Hermann F. Erben
is my assistant and cameraman and it is most necessary for him to ac-
company me to Spain, as stated by himself in his affidavit of today
at this office.


(Signature of affiant)

Subscribed and sworn to before me
this 19th day of March 193 7


Marc L. Severe

Vice Consul of the United States
of America at Paris, France

0310081031

F820004-1566

REPUBLIC OF FRANCE
CITY OF PARIS
CONSULATE GENERAL
OF THE UNITED STATES OF AMERICA

ss

Before me Marc L. Severe Vice Consul
of the United States of America, duly commissioned and qualified,
personally came Hermann F. ERBEN

who, being duly sworn, deposes and says that: I am an American citizen by naturalization at San Francisco, California, on November 10, 1930, and I am the bearer of Departmental passport No. 248504 issued on December 7, 1935, limited to March 7, 1936, extended Aug. 26/36 at New York, valid to Feb. 26, 1937 and extended at San Francisco on Feb. 20, 1937, valid to December 7, 1937. I have just arrived in Europe from the United States and I am most anxious to go to Spain with Errol Flynn, the famous actor, author and journalist, who has a contract with Cosmopolitan and Liberty for a book and a series of articles on the Spain of today, which contract includes myself as his assistant and cameraman. I myself am a well-known doctor and explorer and my last expedition was the American Transasiatic Expedition.

H. F. Erben
(Signature of Person)

Subscribed and sworn to before me
this 19th day of March, 1937

M. L. Severe
Marc L. Severe
Vice Consul of the United States
of America at Paris, France

0315587030

F820004-1567

(Form No. 210—Foreign Service)
(Established May 1916—Revised April 1935)

APPLICATION FOR AMENDMENT OR EXTENSION OF PASSPORT

(To be filled out in duplicate)*

I, Hermann F. ERBEN, the person to whom passport No. 248504
 was issued on Dec. 7, 1935, by the Secretary of State at Washington,
American Consul
 do hereby apply to the Department of State, Washington
American Consulate General, Paris
 (Place)
 (a) for its extension for months.
 (b) for its amendment to include members of my family as follows: to be valid for travel to Spain
 (Name in full) (Relationship), born at
 on , now residing at
 (Name in full) (Relationship), born at
 on , now residing at
 (Name in full) (Relationship), born at
 on , now residing at

A duplicate of the photograph to be
 affixed to the passport (by amend-
 ment) should be pasted here.

H. F. Erben
 (Signature of applicant)
Hotel Plaza Athénée, Paris
 (Foreign address)

I certify that the person to whom the above passport was issued
 appeared before me in person and swore to and signed the above

application on the 19th day of March, 1937

Marc L. Severe
 (Signature)
American Vice Consul
 (Title)

Notes.—To be sworn to by option of Consular Officer. (No fee if sworn to before
 Consular Officer.)
 Applications may be received by mail if they have been sworn to before a local officer
 authorized to administer oaths for general purposes. In such a case the foreign official should
 fill out, sign, and affix his seal to the joint beneath.

CERTIFICATE OF ACTION TAKEN

I hereby certify that the above passport was on (Date)
amended as requested (as shown by corrections).
extended for (Insert length of period)
 Authority (If specially authorized by letter, instruction, or telegram)
 Documentary evidence submitted
 (Brief description)

[SEAL]
 [NO FEE]

(Signature of American Consul)

INSTRUCTIONS

Passports may be amended in accordance with the provisions of Section 160 of the Consular Regulations annotated.

When the holder of a passport which has been expressly limited in validity requests the extension of the passport, he should be required to submit the customary
 affidavit on Form No. 212.

In cases where specific authorization by the Department is required, a notation of the action taken, upon the receipt of a reply from the Department, should be
 furnished on a third copy of this form.

U. S. GOVERNMENT PRINTING OFFICE 1-353

NOTES EXAMINED
 MS

ERBEN, HERMANN FRIEDERICK

F820 004-1568

In reply refer to
130-Erben, Hermann Frederick

February 26, 1937

My dear Mr. Calder:

There is enclosed passport No. 248504 which was issued on December 6, 1935, to Dr. Hermann F. Erben who recently sailed for Southampton on the Steamship QUEEN MARY. It may be stated for your information that Dr. Erben recently applied for an extension of his passport but that due to a delay in the mails from San Francisco to New York the passport could not be delivered to him before his sailing. While Dr. Erben's name appears on the Confidential List of the Narcotic Service, there appears to be no charges against him at the present time. Accordingly, you are authorized to deliver the enclosed passport to Dr. Erben upon the submission of proof that he is reimbursing

F. Willard Calder, Esquire,
American Vice Consul,

Southampton, England.

-2-

reimbursing the Passport Agent at San Francisco for telegraph charges in the amount of \$1.89. The amount should be sent direct to the Passport Agent, Mr. Somerset A. Owen. The Department's files also indicate that Dr. Erben has a valid seaman's certificate. If he has this in his possession, he should be required to surrender it for transmission to the Department. If the seaman's certificate is not in his possession, he should be requested to forward it to the Department as soon as he can conveniently do so.

Sincerely yours,

Enclosure:
Passport. ✓

IPLEY

0315587030

PD:AJN:ERH

F820004-1570

DEPARTMENT STATE

General Series No.

Passport No. 348504

Issued on Dec 7, 1935

Issued at Washington, D. C.

APPLICATION FOR RENEWAL OF PASSPORT

I, the undersigned, hereby apply for a renewal of the period of validity of my passport, the number and date of which appear above.
I hereby declare that I was born in the United States.

I was born in _____ and (I) (my father) was naturalized in the year _____ (If naturalized, insert date of naturalization)

I have taken an oath of allegiance to _____ a foreign State.
(If applicant took an oath of allegiance to, or was naturalized in a foreign State, a supplementary statement, under oath, should be attached)

THIS SECTION MUST BE FILLED IN BY ALL WOMEN, AND BY ALL THOSE MEN WHOSE PASSPORTS BEAR THE NAMES OF THEIR WIVES

I was never married. My wife was born in the United States.
(married in the year _____) (Strike out above if never married) (Insert name of country if born abroad)
I was naturalized in the year _____
and (is an alien, a citizen of _____) (Fill in appropriate space)
Our marital status has not been terminated.
(was terminated by (death) (divorce) in the year _____) (Strike out one of the above two lines) (Date)

THIS SECTION MUST BE FILLED IN WHEN THE RECORD IN THE PRECEDING SECTION SHOWS THAT MARRIAGE OCCURRED ON OR AFTER SEPTEMBER 22, 1922. (A record of a man's previous marriage is not required.)

(Use one of the two following lines, striking out the other)
(My wife) was not previously married.
(Strike out the following lines if not previously married)
He was born in the United States. and was naturalized on _____ (Insert date of naturalization)
(Insert name of country if born abroad) (is an alien, a citizen of _____) (Name of country)
The marital status was terminated by (death) (divorce) on _____ (Date)

THIS SECTION MUST BE FILLED IN BY ALL PERSONS WHO HAVE ACQUIRED CITIZENSHIP THROUGH MARRIAGE OR NATURALIZATION.

Since my present passport was issued I have been outside of the United States at the following places for the periods stated:
from _____ to _____
from _____ to _____
from _____ to _____
The purposes of my visits to the foregoing countries were as follows (give reason or reasons for stay in each country named):

(DO NOT USE THIS SPACE)

Application and passport submitted for Department's consideration by _____ Agency, on _____ (Date)
(Initials of agency)
Reviewed by _____ Agency, on FEB 20 1937
(Initials of agency) (Date)
For _____ years from _____ day of _____ 1937
(date of expiration)
Until the _____ day of _____ 1937
(date of expiration)
\$5.00 fee received by _____ (initials) (attached hereto, deposited by agency.)

(Do not use this space)

Handwritten signature and initials.

Erben Hermann Frederick

Unauthorized Dept. was 2/19/37

F820 004 - 1571

The names listed below should be excluded from my passport as those members of my family will not accompany me on foreign travel now contemplated and for which I herein request renewal of my passport.

Wife _____ Minor children _____
1937 FEB 27 AM 11 44

Following are the names and dates of birth of my minor children who are over 18 years of age, who are included in my passport and who will accompany me on my contemplated travel abroad for which I herein request renewal of my passport:

(Name) _____ (Date of birth) _____

I am domiciled in the United States, and at present I am in the United States, residing (together with those whose names appear in my passport) at _____
(Street address)

City of _____ State of _____

I intend to leave the United States from the port of _____
(Port of departure)

sailing on board the _____ ON _____ 1937
(Name of ship) (Date of departure)

(Signature) _____
(I hereby declare that I personally affixed my signature appearing above)

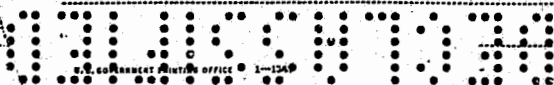
Please mail passport to (above following) address:

Street Era F. Hoyt
City Passport Agent
State New York

(Do not use the following lines)

REMARKS:

Letter to Mr. Hoyt enclosed with extended passport request, he recover Steamers certificate and Telegraph charge on Depts authorization.



McEwen
Agent of the Department of State.

PREPARING OFFICE
WILL INDICATE WHETHER

Collect COLLECT

Charge Department

Charge to

DAY LETTER

TELEGRAM SENT F820 004-1572

Department of State

Washington,

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTAIR
PLAIN

February 19, 1937

Dr. Hermann F. Erben,
Care Errol Flynn,
Chateau Elysee,
5930 Franklin Avenue,
Hollywood, Los Angeles,
California.

Your passport at Passport Agency, Customhouse,
San Francisco. Agent being authorized by telegram
at your expense extend validity to December 7, 1937
and deliver to you upon surrender seaman's certificate.

Chief, Passport Division

130 - Erben, Hermann Frederick

PD AJN ESB

DIVISION OF
COMMUNICATIONS
AND RECORDS

FEB 23 1937

PASSPORT DIVISION

1937 FEB 19 PM 5 35

1937 FEB 19 PM 5 24

Enciphered by

Sent by operator

D. O. R.—No. 50

U. S. GOVERNMENT PRINTING OFFICE

130 - ERBEN, HERMANN FREDERICK

31

PREPARING OFFICE
WILL INDICATE WHETHER

Collect **COLLECT**

Charge Department

OR

Charge to

\$

TELEGRAM SENT **020 004 - 1573**

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTIAL
PLAIN

Department of State

Washington,

DAY LETTER

Van met

February 19, 1937

Mr. Somerset A. Owen, Passport Agent,
Customhouse, San Francisco, California.

Department's letter January twelve
Herrn M. Erben. Extend passport to
December 7, 1937 and deliver to Dr. Erben
upon surrender seaman's certificate and
payment cost this telegram.

R. B. Shipley
Chief, Passport Division

130 - Erben, Hermann Frederick

79
PD AJN ESB

PA
FEB 23 1937
DIVISION OF PASSPORTS
U.S. DEPARTMENT OF STATE
1937 FEB 19 PM 5 36

Enciphered by

Sent by operator

D. C. R.—No. 50

U. S. GOVERNMENT PRINTING OFFICE

130- ERBEN, HERMANN FREDERICK

In board

2-24-37

Cunard White Star

R.M.S. "Queen Mary"

My dear Mr^s Shipley:

Your kind wire was received by my friend Mr^s Flynn, who since I had already departed for New York, wired on my behalf to San Francisco, to have the passport forwarded to New York. I waited for its arrival in vain. 45 minutes before I sailed, I was still in the passport agents office, hoping it would arrive from San Francisco. Since it did not, I had to sail, my passage being paid, my luggage on board. In order to be permitted to sail without my passport, I had to buy a return ticket and sign an

0115087030

Government, the fact the expenses
the British government might have
in returning me home, to the States
so please shorten my suspense by for-
warding my American passport to
the American consul, not in London
but Southampton, so that upon
presentation of same I will be released
and permitted to land in England.
I am very sorry to cause all that
trouble, but some compensation
will be the fact, that after all, it is
me, who has to suffer most. I tried
to fully comply with the law, but
time, distances and the 22nd being
a holiday, made it so, that the
passport just missed me.

011508 1330

These wraps are sailing Saturday
If you could send my passport
with her, I would be detained in
England only 3 days.

Please do help me, since I believe
I have done nearly everything I
deserve your help and without
your help I can't leave.

Thanking you in advance for
your kind consideration

I beg to remain
most respect fully Yours

H. F. Johnson M.D.

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I left a note with the New York passport agent, asking him, to be so kind if the passport should finally arrive, to send it a care of M.S. Conant London. But since we go to Southampton and not London I believe Southampton will be better.

Most respectfully Yours

H.F. Johnson M.D.

"Europa sails 12.01 a.m.

Saturday 27th of February.

Normandie sails March 3rd
if you should miss the Europa.

H.F. Johnson

031507030



DEPARTMENT OF STATE

PASSPORT AGENCY
SUBTREASURY BUILDING
NEW YORK CITY

February 24, 1937

Dear Mrs. Shipley:

The enclosed Departmental passport No. 248504 issued December 6, 1935 to Doctor Hermann F. Erben was received this morning from Mr. Owen, whose letter said that he had extended the passport to December 7, 1937. This extension appears on page eleven. Mr. Owen requests that before the passport is delivered Doctor Erben be asked to reimburse the San Francisco Agency ~~for~~ telegram charges in the amount of \$1.89 and that Doctor Erben also be asked to surrender the seaman's certificate now in his possession.

This registered package was received this morning one hour after the SS QUEEN MARY had sailed. Doctor Erben called at the Agency yesterday afternoon and again at eight o'clock this morning looking for the enclosed passport. He told me that he could sail without his passport and ^{land} by posting a bond when he arrived at Southampton. He then wrote a memo to me on the attached card which asks that his passport

Mrs. Ruth B. Shipley,

Chief, Passport Division,

Department of State,

Washington, D. C.

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passport be forwarded to him immediately in care of the American Consulate General at London, England.

This fellow, Doctor Erben, obtains a passport with a long beard and then shortly afterwards shaves his face clean. As a matter of fact, he very seldom looks like his photograph. The man is either mentally unbalanced or else he is very clever at his trade, whatever that may be. He has been at this Agency a number of times the last few years and I strongly suspect that he might not stand up under an energetic, searching investigation.

Sincerely yours,

W. F. Hoff

Enclosures:

Passport No. 248504;
Memo.

0315087030

Cunard White Star
R.M.S. "Queen Mary"

24th Febr.

Dear Mrs Shipley,

With

considerable difficulty
we finally persuaded
the Cunard officials to
allow my friend Dr Erben
to sail without his passport.

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and I personally assured them I would do all within my power to have it forwarded on to Southampton by writing direct to you in the hope that you would be kind enough to expedite its despatch.

Could I count on your assistance in this matter? If so, I assure you I would be

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greatly indebted to you.

Yours very sincerely

Errol Flynn.

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